

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN S. RHINE,

Petitioner,

vs.

ATASKADERO MANAGEMENT -
SMH, et al.,

Respondent(s).

No. C 08-03939 JF (PR)

ORDER GRANTING EXTENSION
OF TIME TO FILE *IN FORMA*
PAUPERIS APPLICATION;
DENYING OTHER MOTION

(Docket Nos. 3 & 4)

On August 18, 2008, Petitioner filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On that same day, the clerk of the Court sent a notification to Petitioner that his petition was deficient because he did not pay the filing fee or file an in forma pauperis application. The notification included the warning that the case would be dismissed if Petitioner failed to respond within thirty days. Along with the notice, the clerk provided a copy of the court's in forma pauperis application, a Certificate of Funds in Prisoner's Account form, and a return envelope. On September 10, 2008, Petitioner filed an application to proceed in forma pauperis and a request for an extension of time to file the missing Certificate of Funds in Prisoner's Account and his prisoner trust account statement showing

1 transactions for the last six months. (Docket No. 3.) Petitioner also requested an
2 “official exten[s]ion of time for summons and service of notice of complaint for 60
3 days.” (Docket No. 4.)

4 Good cause appearing, the Court will extend the time an additional thirty
5 days for Petitioner to file a complete in forma pauperis application and the necessary
6 accompanying documents. The application and documentation must be filed with
7 the Court **no later than October 18, 2008**. Failure to comply with the Court’s order
8 in a timely manner will result in the dismissal of the case without prejudice for
9 failure to pay the filing fee.

10 Petitioner’s request for an extension of time regarding the “summons” and
11 “notice of complaint” (Docket No. 4) is DENIED as premature since the petition has
12 yet to undergo an initial review.

13 This order terminates Docket Nos. 3 and 4.

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15 DATED: 9/18/08

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17 JEREMY FOGEL
18 United States District Judge
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